

*Natalie M. Cox*

Honorable Natalie M. Cox  
United States Bankruptcy Judge



Entered on Docket  
April 01, 2024

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Series X*

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA**

IN RE:

ROBIN LINUS LEHNER and  
DONYA TINA LEHNER

Debtors.

Chapter 7

Case No.: 22-14616-nmc

ALIYA GROWTH FUND, LLC – SERIES X,

Plaintiff,

v.

ROBIN LINUS LEHNER; DONYA TINA  
LEHNER; WESTRIDGE PROPERTY  
MANAGEMENT, LLC; 42055 DAWN  
ROAD LLC; and ROBERT ATKINSON in  
his capacity as chapter 7 trustee;

Defendants.

Adversary Case No.: 23-01073-nmc

Hearing Date: 10/19/2023

Hearing Time: 9:30 a.m.

Oral Ruling Date: 3/26/2024

Oral Ruling Time: 9:30 a.m.

**SHEA LARSEN**  
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**ORDER GRANTING IN PART AND DENYING IN PART  
DONYA TINA LEHNER AND ROBIN LINUS LEHNER'S MOTION TO DISMISS  
SECOND AMENDED COMPLAINT [ECF NO. 41]**

On or about September 12, 2023, Defendants Donya Tina Lehner and Robin Linus Lehner (collectively, "Defendants") filed their *Motion to Dismiss Second Amended Complaint* [ECF No. 41] (the "Motion"), seeking to dismiss all six claims for relief asserted by Plaintiff Aliya Growth Fund, LLC – Series X ("Plaintiff"), in its Second Amended Complaint [ECF No. 33] (the "SAC"). On or about October 3, 2023, Plaintiff filed its Opposition to the Motion [ECF No. 49] (the "Opposition"). On or about October 10, 2023, Defendants filed their Reply in support of their Motion [ECF No. 51] (the "Reply"). The Motion came on for hearing at the above-referenced time and date, and the Court issued its oral ruling on the Motion at the above-referenced time and date, which is reflected by this Order.

The Court, noting appearances on the record, and after considering the Motion, the Opposition, Reply, the SAC, and other documents on file in the above-captioned Adversary Proceeding, and after hearing and considering arguments of counsel, the Court made findings of fact and conclusions of law on the record at the time set for the Court's oral ruling on the Motion, which are incorporated herein by reference pursuant to Fed. R. Civ. P. 52, incorporated herein by Fed. R. Bankr. P. 7052, and finding good cause appearing:

**IT IS HEREBY ORDERED** that Defendants' Motion is GRANTED IN PART AND DENIED IN PART as set forth below and for the reasons stated on the record at the oral ruling on the Motion;

**IT IS FURTHER ORDERED** that Defendants' Motion is GRANTED to the extent it seeks dismissal of Plaintiff's fourth claim for relief asserted in the SAC seeking a declaratory judgment against Donya Tina Lehner regarding community property obligations if Plaintiff's succeed on their nondischargeability claims against Robin Linus Lehner as a result of 11 U.S.C. § 524's operation;

**IT IS FURTHER ORDERED** that Defendants' Motion is DENIED in all other respects;

**IT IS FURTHER ORDERED** that, as a result of this Order, Plaintiffs' fourth claim for

1 relief in the SAC seeking declaratory relief against Donya Tina Lehner is hereby dismissed  
2 without prejudice, and Plaintiff may proceed on all remaining claims;

3 **IT IS FURTHER ORDERED** that as a result of the dismissal of the sole claim against  
4 Donya Tina Lehner, her name shall be removed from the caption of the above-captioned  
5 Adversary Proceeding on all filings moving forward;

6 **IT IS SO ORDERED.**

7 Respectfully submitted by:

8 **SHEA LARSEN PC**

9 /s/ Bart K. Larsen

10 Bart K. Larsen, Esq.

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15 *Aliya Growth Fund, LLC – Series X*

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**LR 9021 CERTIFICATION**

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- ☐ The court has waived the requirement of approval under LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Benjamin Chambliss, Esq. APPROVED  
*Attorney for Defendants Robin  
Linus Lehner and Donya Tina  
Lehner*

Valerie Y. Zaidenberg, Esq. APPROVED  
*Attorney for Trustee Robert  
Atkinson*

☐ I certify that this is a case under chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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